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HOUSE BILL 747

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

John A. Heaton

AN ACT

RELATING TO ORGANIZATION OF THE EXECUTIVE BRANCH; CREATING
INFORMATION TECHNOLOGY DIVISIONS IN CERTAIN DEPARTMENTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 9-2A-4 NMSA 1978 (being Laws 1992,
Chapter 57, Section 4, as amended) is amended to read:

"9-2A-4. DEPARTMENT CREATED-- DIVISIONS. --

A. The "children, youth and families department" is
created. The department is a cabinet department and consists
of, but is not limited to, [~~five~~] six divisions as follows:

- (1) the protective services division;
- (2) the juvenile justice division;
- (3) the prevention and intervention division;
- (4) the financial services division; [~~and~~]
- (5) the employee support division; and

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1 (6) the information technology division.

2 B. The secretary is empowered to organize the
3 department and the divisions specified in Subsection A of this
4 section and may transfer or merge functions between divisions
5 in the interest of efficiency and economy.

6 C. The governor is empowered to merge divisions and
7 to abolish or create divisions of the department by executive
8 order in the interest of efficiency and economy. "

9 Section 2. Section 9-3-3 NMSA 1978 (being Laws 1977,
10 Chapter 257, Section 3, as amended) is amended to read:

11 "9-3-3. DEPARTMENT ESTABLISHED. -- There is created in the
12 executive branch the "corrections department". The department
13 shall be a cabinet department and consist of, but not be
14 limited to, [~~five~~] six divisions as follows:

15 A. the adult institutions division;

16 B. the adult probation and parole division;

17 C. the training academy division;

18 D. the corrections industries division, which shall
19 have administrative supervision of the management of prison
20 industries in every correctional facility under the
21 jurisdiction of the department. Notwithstanding the provisions
22 of Paragraph (10) of Subsection B of Section 9-3-5 NMSA 1978,
23 the director of the corrections industries division shall be
24 appointed by and serve at the pleasure of the secretary of
25 corrections; [~~and~~]

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1 E. the administrative services division, which
2 shall be supportive of and responsive to the divisions and
3 shall provide administrative and personnel services to them;
4 and

5 F. the information technology division. "

6 Section 3. Section 9-7-4 NMSA 1978 (being Laws 1991,
7 Chapter 25, Section 16) is amended to read:

8 "9-7-4. DEPARTMENT ESTABLISHED. --

9 A. There is created in the executive branch the
10 "department of health". The department shall be a cabinet
11 department and shall include, but not be limited to, the
12 programs and functions of the public health division, the
13 behavioral health services division and the scientific
14 laboratory.

15 B. ~~[All references in the law to the "health~~
16 ~~services division" shall be construed to be references to the~~
17 ~~"public health division".]~~ All references in the law to the
18 public health division of the health and environment
19 department, the behavioral health services division of the
20 health and environment department, the state department of
21 public health, the public health department, the health
22 services division or the state board of health shall be
23 construed as referring to the department ~~[of health]~~.

24 C. The administrative services division of the
25 department ~~[of health]~~ shall provide clerical, recordkeeping

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1 and administrative support to the department [~~of health~~] and to
2 the department of environment, including, but not limited to,
3 the areas of personnel, budget, procurement and contracting.

4 D. The information technology division shall have
5 all those powers and duties conferred upon it by the secretary
6 with the consent of the governor."

7 Section 4. Section 9-7A-4 NMSA 1978 (being Laws 1991,
8 Chapter 25, Section 4) is amended to read:

9 "9-7A-4. DEPARTMENT ESTABLISHED.--There is created in the
10 executive branch the "department of environment". The
11 department shall be a cabinet department and shall include, but
12 not be limited to, an information technology division and the
13 programs and functions of the environmental improvement
14 division. All references in the law to the environmental
15 improvement agency or the environmental improvement division of
16 the health and environment department shall be construed to
17 mean the department. All references to the director of the
18 environmental improvement division shall be construed to mean
19 the secretary. The department shall consist of the staff of
20 the environmental improvement division and such other powers,
21 duties and personnel of the former health and environment
22 department as may be assigned by the governor pursuant to
23 executive order."

24 Section 5. Section 9-8-4 NMSA 1978 (being Laws 1977,
25 Chapter 252, Section 4, as amended) is amended to read:

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1 "9-8-4. DEPARTMENT ESTABLISHED. -- There is created in the
2 executive branch the "human services department". The
3 department shall be a cabinet department and shall consist of,
4 but not be limited to, [~~two program~~] three divisions as
5 follows:

- 6 A. the income support division; [~~and~~]
- 7 B. the social services division; and
- 8 C. the information technology division. "

9 Section 6. Section 9-18-4 NMSA 1978 (being Laws 1987,
10 Chapter 342, Section 4) is amended to read:

11 "9-18-4. LABOR DEPARTMENT ESTABLISHED. -- There is created
12 in the executive branch the "labor department". The department
13 shall be a cabinet department and shall consist of, but not be
14 limited to, five program divisions, [~~and one~~] an administrative
15 division and an information technology division as follows:

- 16 A. employment security division;
- 17 B. workers' compensation division;
- 18 C. labor and industrial division;
- 19 D. human rights division;
- 20 E. job training division; [~~and~~]
- 21 F. administrative services division; and
- 22 G. information technology division. "

23 Section 7. Section 9-18-14 NMSA 1978 (being Laws 1987,
24 Chapter 342, Section 14) is amended to read:

25 "9-18-14. [~~ORGANIZATION~~] ORGANIZATIONAL UNITS OF THE

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1 DEPARTMENT-- POWERS AND DUTIES SPECIFIED BY LAW - ACCESS TO
2 INFORMATION. --

3 A. Those organizational units of the department and
4 the officers of those units specified by law shall have all the
5 powers and duties enumerated in the specific laws assigned to
6 their organizational units for administration. However, the
7 carrying out of those powers and duties shall be subject to the
8 direction and supervision of the secretary and the secretary
9 shall retain the final decision-making authority and
10 responsibility in accordance with the provisions of Subsection
11 B of Section [~~7 of the Labor Department Act~~] 9-18-7 NMSA 1978.

12 The department shall have access to all records, data and
13 information of other departments, agencies and institutions,
14 including its own organizational units not specifically held
15 confidential by law.

16 B. Subject to the provisions of Subsection B of
17 Section [~~7 of the Labor Department Act~~] 9-18-7 NMSA 1978:

18 (1) the employment security division shall
19 have all those powers and duties conferred by law upon the
20 former employment security department and such other laws,
21 programs and functions assigned to the division by the
22 secretary with the consent of the governor;

23 [~~(2) the workers' compensation division shall~~
24 ~~have all those powers and duties conferred by law upon the~~
25 ~~former workmen's compensation administration and such other~~

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1 ~~laws, programs and functions assigned to the division by the~~
2 ~~secretary with the consent of the governor;~~

3 ~~(3)~~ (2) the labor and industrial division
4 shall have all those powers and duties conferred by law upon
5 the former labor commissioner and such other laws, programs and
6 functions assigned to the division by the secretary with the
7 consent of the governor;

8 ~~[(4)]~~ (3) the human rights division shall have
9 all those powers and duties conferred by law upon the former
10 executive director of the human rights commission and staff and
11 such other laws, programs and functions assigned to the
12 division by the secretary with the consent of the governor;

13 ~~[(5)]~~ (4) the job training division shall have
14 all those powers and duties conferred upon it by the governor
15 pursuant to the Job Training Partnership Act and such other
16 laws, programs and functions assigned to the division by the
17 secretary with the consent of the governor; ~~and~~

18 ~~(6)~~ (5) the administrative services division
19 shall have all those powers and duties conferred upon it by the
20 secretary ~~[of labor]~~. The secretary shall have the power,
21 pursuant to Subsection B of Section ~~[7 of the Labor Department~~
22 ~~Act]~~ 9-18-7 NMSA 1978, to transfer administrative functions and
23 duties formerly conferred upon the chief administrative officer
24 of any agency or department merged into the labor department by
25 the Labor Department Act; and

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